

Message Text

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44

ORIGIN PA-02

INFO OCT-01 ISO-00 AF-06 ARA-10 EA-10 EUR-12 NEA-09

CIAE-00 DODE-00 PM-03 H-02 INR-07 L-02 NSAE-00 NSC-05

PRS-01 SP-02 SS-15 USIA-15 SY-04 /106 R

DRAFTED BY PA/FOI:WDBLAIR:MS

APPROVED BY D: ROBERT S. INGERSOLL

PA - CCLAISE ARA-W.DIEDRICH

S/S - MR. GAMMON NEA-S. SOBER

L/M - MR. K. E. MALMBORG

INR - MR. W. JONES

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AF - MR. C. JAMES S/P P. SWIERS

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P 141616Z FLB 75

FM SECSTATE WASHDC

TO ALL DIPLOMATIC AND CONSULAR POSTS PRIORITY

UNCLAS STATE 034353

INFORM CONSULS

E.O. 11652: N/A

TAGS: OGEN

SUBJECT: AMENDED FREEDOM OF INFORMATION ACT

FOR: AMBASSADOR/PRINCIPAL OFFICERS FROM ACTING SECRETARY

1. NEXT WEDNESDAY, FEBRUARY 19, RECENTLY ENACTED AMENDMENTS TO FREEDOM OF INFORMATION ACT TAKE EFFECT. AMENDED LAW WILL REQUIRE OF ALL OF US A HIGH STANDARD OF PERFORMANCE IN DEALING WITH REQUESTS FOR RECORDS FROM THE PUBLIC. IN PARTICULAR, THE TIME-LIMITS ALLOWED FOR RESPONSE TO SUCH REQUESTS AND TO APPEALS LEAVE NO ROOM FOR BUREAUCRATIC DELAY. UNFAMILIARITY WITH THE NEW REQUIREMENTS BEYOND EFFECTIVE
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DATE (FEBRUARY 19) IS NOT AN ACCEPTABLE EXCUSE.

2. I COUNT ON YOU TO SEE THAT EVERY EMPLOYEE IS FAMILIAR WITH REVISED DEPARTMENT REGULATIONS ON THIS MATTER AND WITH PROCEDURES FOR IMPLEMENTING THE AMENDED FREEDOM OF INFORMATION ACT, BOTH OF WHICH ARE BEING PUBLISHED AND SENT TO FIELD THIS WEEK, LATTER BY SEPTEL. IN ADDITION, I REQUEST THAT YOU DESIGNATE YOUR DEPUTY AS POST FREEDOM OF INFORMATION OFFICER.

3. DEPARTMENT EXPERIENCE WITH THE LAW SINCE 1967 DEMONSTRATES THAT GREAT MAJORITY OF DOCUMENTS REQUESTED UNDER ACT--MOST OF THEM CLASSIFIED--CAN BE RELEASED. FIGURES

FOR A 15-MONTH PERIOD COMPILED FOR RECENT CONGRESSIONAL HEARINGS SHOWED 312 REQUESTS FOR 28,861 PAGES OF MATERIAL. TWO HUNDRED FIFTY SIX (256) OF THESE CASES WERE CLOSED WITH RELEASE OF 16,919 PAGES AND ONLY 674 PAGES WERE DENIED, THE REMAINDER AT THAT TIME BEING UNDER REVIEW, WITH MOST SUBSEQUENTLY RELEASED. IN OTHER WORDS, WE HAVE IN PAST EITHER CLASSIFIED UNNECESSARILY, CLASSIFIED TOO HIGHLY, OR HELD CLASSIFIED FOR TOO LONG, THE BULK OF OUR RECORDS. WHILE SUBSTANTIAL IMPROVEMENT HAS BEEN MADE IN THIS AREA IN LAST THREE YEARS UNDER EXECUTIVE ORDER 11652, WE STILL TEND TO OVER-CLASSIFY, AND ARE TOO LITTLE CONCERNED WITH TIMELY REPEAT TIMELY DECLASSIFICATION. THE CRITERIA OF E.O. 11652 WHICH AUTHORIZE CLASSIFICATION ONLY TO PREVENT "EXCEPTIONALLY GRAVE DAMAGE" (TOP SECRET), "SERIOUS DAMAGE" (SECRET), OR "DAMAGE" (CONFIDENTIAL) TO NATIONAL SECURITY, MUST BE STRICTLY APPLIED. DOCUMENTS WHICH SO QUALIFY AND ARE CLASSIFIED MUST BE MARKED FOR DECLASSIFICATION AT THE EARLIEST POSSIBLE MOMENT. OVER TIME, THIS WILL SIGNIFICANTLY EASE THE BURDEN OF THE FREEDOM OF INFORMATION REQUESTS. AT THE SAME TIME, OUR ABILITY TO PROTECT A MORE RESTRICTED QUANTITY OF GENUINELY SENSITIVE MATERIAL WILL BE ENHANCED.

4. FULL COMPLIANCE WITH LETTER AND SPIRIT OF AMENDED FREEDOM OF INFORMATION ACT IS MANDATORY FOR EVERY ONE OF US. FAILURE TO MEET OUR OBLIGATIONS WILL MEAN TIME CONSUMING AND COSTLY LITIGATION, AND POSSIBLE COURT-INITIATED UNCLASSIFIED

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PUNITIVE ACTION. BUT EFFECTIVE DISCHARGE OF OUR ENLARGED OBLIGATIONS WILL CONSTITUTE A SIGNIFICANT PUBLIC SERVICE, AND WILL CONTRIBUTE IMPORTANTLY TO MAINTAINING AND STRENGTHENING PUBLIC CONFIDENCE IN OUR STEWARDSHIP OF SOME OF AMERICAN PEOPLE'S MOST IMPORTANT CONCERNS. INGERSOLL

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Margaret P. Grafeld
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